

REMARKS

The Examiner's consideration of the foregoing amendments and remarks is greatly appreciated. Claims 1-29, 32-57, and 68 are pending in the application.

In the Office Action mailed November 3, 2006 ("Office Action"), newly added Claim 68 was rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Although applicants respectfully disagree with the Office Action regarding the enablement of the recited language, to further the prosecution of the present application, applicants have amended Claim 68 to render the Section 112 rejection moot.

Claims 1-29, 32-57, and 68 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0069156 (Adam et al.). Applicants maintain the position that the cited teachings of the Adam et al. reference do not qualify as prior art under 35 U.S.C. § 102(e) as the subject matter of the present application was conceived prior to the earliest possible priority date of the Adam et al. reference, namely September 1, 2000. Further applicants submit that they were diligent with the filing of the provisional patent application claimed as a priority document and filed on October 31, 2000. Applicants reserve the right to provide further supporting document regarding their conception and diligence.

In addition to establishing an earlier conception and reduction to practice, applicants respectfully submit that the present application is further distinguishable from the cited reference, Adam et al. In its entirety, amended independent Claim 1 recites:

1. A method for facilitating transactions between one or more buyers and sellers, the method comprising:
 - obtaining a buyer transaction request, the transaction request including one or more buyer criteria embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller;
 - identifying a set of sellers corresponding to the at least one buyer criteria;
 - transmitting the set of sellers corresponding to the buyer criteria;
 - obtaining a selection of at least one seller corresponding to the buyer criteria;

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processing the negotiation of a transaction between the buyer and the selected seller corresponding to the buyer criteria;
obtaining a confirmation of the completion of a transaction between the buyer and the selected seller; and
generating transaction records associated with the completed transaction.

The Office Action asserts that Adam et al. teaches all the limitations recited with regard to Claim 1. Applicants respectfully submit that Adam et al. fails to teach or suggest every limitation recited with regard to Claim 1. Specifically, Adam et al. fails to teach or suggest "obtaining a buyer transaction request, the transaction request including one or more buyer criteria embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller" as recited in the claim. In contrast, Adam et al. generally teaches the utilization of general classifications for buyer criteria, such as specific items and/or geographic criteria for sellers.

[0078] An exemplary process by which a wholesale buyer might make a particular commodity purchase will now be described in connection with the exemplary process flow diagram of FIG. 7. Naturally, a buyer would choose the market in which they wish to participate, such as the spot market or the futures market and once the data comes up for that particular market, the typical wholesale buyer would then select the various items that they wish to track, typically adding them to their interest list page. At this point, a buyer might wish to have their personalized interface automatically review the available commodity offers against a set of established criteria and, once the criteria are met to automatically place a purchase order against that item. Selection of the automatic option is indicated by the "A" branch of the process flow of FIG. 7 and will be described in greater detail below. Assuming that the buyer does not wish to automatically effect purchases, but would rather participate in the process manually, the buyer might then establish an "include" or "exclude" filter for the spot market report. If a filter is elected, the buyer can include or exclude any of a set of sellers on the basis of any set of inclusion or exclusion parameters that the buyer deems appropriate. If a selection filter is not established, the system defaults to listing all active sellers of the selected items, along with their quantity and price metrics.

[0079] Alternatively, a buyer might only be interested in suppliers located in his particular tri-state area, for example, and might have previously set his filters so that these are the only sellers that appear on his personalized interface. The buyer might then click on the commodities that he needs to

purchase that day and might then drag those commodities to his interest list. In other words, items might be selected first and filters established later, or conversely, filters might be established through an initial profile that informs data I/O during initialization and sign-on. The order of the particular steps is not important, only that the functionality is provided by the system.

To anticipate a claim under Section 102, the cited reference must teach each and every element recited in the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). In all of the cited portions of Adam et al., buyers are not presented with the opportunity to provide three-tiered approach for buyer criteria. As defined in Adam et al., buyers can choose from one of a variety of general classifications (e.g., region or item), but not specific seller or combination thereof. Thus, Adam et al. fails to teach or suggest "obtaining a buyer transaction request, the transaction request including one or more buyer criteria embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller" as recited in Claim 1. Accordingly, applicants respectfully request a withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102(e).

For the same reasons discussed above with regard to Claim 1, dependent Claims 2-29 are patentable over Adam et al. Additionally, the dependent claims recite additional limitations that establish the patentability of the invention over Adam et al. Accordingly, applicants respectfully request a withdrawal of the rejection of Claims 2-29 under 35 U.S.C. § 102(e).

Independent Claim 32 recites "obtaining a buyer transaction request from a buyer computing device over a communication network, the transaction request including one or more buyer criteria embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller." As discussed above, Adam et al. fails to teach or suggest this limitation. Additionally, dependent Claims 33-57 are patentable over Adam et al. for at least the reasons recited with regard to Claim 32. Additionally, the dependent claims recite additional limitations that establish the patentability of the invention over Adam et al. Likewise, independent Claim 68 recites "obtaining a buyer

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transaction request over a communication, the transaction request including one or more buyer criteria for wood products embodied in one of three classifications including general classifications, specific seller and combination general classification and specific seller." For the reasons recited with regard to Claim 1, applicants respectfully request the withdrawal the rejection of Claims 32-57 and 68 under 35 U.S.C. § 102(e).

CONCLUSION

The foregoing amendment and response is submitted as a full and complete response to the first official Office Action mailed November 3, 2006. If the Examiner believes that there are any issues that can be resolved by telephone conference, or that there are any informalities that can be corrected by the Examiner's amendment, please call the undersigned at 206.695.1728.

Respectfully submitted,

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